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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,096	03/24/2000	J Andrew Goossen	MFCP.68673	2356

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/535,096

Applicant(s)

GOOSSEN ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 34-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Gough et al. (US Patent No. 6,072,489).

Regarding claim 34, Gough discloses a computer-readable medium having stored thereon a data structure, the data structure comprising at least one field containing data indicative of a parameter designating an object as a layered object [..Particular operations upon images are considered to be image operations in regions or domains which are defined to be either translucent or opaque regions. The translucent image involved may be a so-called "overlay" image produced by a computer implemented process; see col. 2, lines 51-65.]

Regarding claim 35, Gough discloses in a computer system having a graphical user interface including a display, a method of displaying graphical representations on the display, the method comprising displaying a first window on the display wherein the first window is a layered window attributed with at least one layering property [..the overlaying window having been rendered translucent, the opaque window portion within the overlapping; see col. 4, lines 43-54]; displaying a second window on the display such that at least some portion of the second

window overlaps and underlays the first window [topmost or active window is shown superimposing over a portion of a lower window; see col. 8, lines 13-57]; blending the first and second windows such that the portion of the second window which overlaps the first window is at least partially visible to a user [translucent window which translucently is superimposed over the opaque window in the overlap region of the two windows, and a gadget bar including a wand icon for transforming the overlay window between opaque and translucent states; see col. 4, lines 48-54].

Regarding claim 36, Gough discloses, wherein the first and second windows are displaying according to an order (see col. 10, lines 14-60).

Regarding claim 37, Gough discloses, wherein the order is a display order (see figure 3a-3e).

Regarding claim 38, Gough discloses wherein the display order is a z order (see figures 3f-3h).

Regarding claim 39, Gough discloses wherein the blending step includes attributing an opaqueness value to at least the first window (see col. 10, lines 1-13).

Regarding claim 40, Gough discloses wherein the opaqueness value is specified in the form of an integer having values between approximately 0 and 255 (see col. 11, lines 20-67).

Regarding claim 41, Gough discloses wherein a first of the windows has a first display order and a second of the windows has a second display order, and wherein the second display order is greater than the first display order (see col. 14, lines 21-61).

Regarding claims 42, Gough discloses a computer having a memory, an operating system and a central processor, the computer system being operable to execute the steps recited (see figures 1-5a).

Regarding claim 43, Gough discloses displaying a first of the two or more objects on the display [display screen with a pair of overlapping non-translucent, i.e., opaque windows, shown on one portion of screen. Window is produced by a first application program "APP#1," and window is produced by a second application program "APP#2." Wand icon is effective for transforming either of windows or the images which may reside in the respective windows between opaque and translucent states. The topmost or "active" window is shown superimposing over a portion of lower window; see figure 3b]; displaying a second of the two or more objects on the display such that the second object overlaps and underlays the first object (see col. 8, lines 30-57); blending the first and second objects such that the portion of the second object which overlaps the first object is at least partially visible to a user [..The user can accordingly work with the underlying opaque window with the image operations and cursor movements desired, and as though the overlay translucency did not even exist except visually to the user; see figure 3i]; receiving a user selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects; and processing the user selection as indicative of a selection of the underlying portion of the second object;

[..another window or image can be activated merely by user selection in positioning the cursor over the window or image and clicking on the mouse, trackball or another applicable interface device; see col. 19, lines 20-30].

As claims 44-49 are analyzed as previously discussed with respect to claims 34-43 above.

Regarding claim 50, Gough discloses in a computer system having a graphical user interface including a display and a user interface selection device, a method of animating window objects on the display, the method comprising obtaining a window object to be displayed on the display (see col. 18, lines 18-30); attributing the window object a variable translucency, compositing the window object with any underlying objects, and varying the translucency of the window object to create an animation of the window object (see col. 18, lines 31-46).

Regarding claim 51, Gough discloses wherein the window object is representative of menu, the method further comprising the steps of retrieving a set of menu entries for the menu; displaying the set of menu entries, receiving a menu entry selection signal indicative of the user interface selection device pointing at one of the menu entries, displaying a visual indication of the menu entry selection; blending the visual indication of the menu entry selection and any underlying graphics such that the visual indication of the menu entry selection progressively fades until it is no longer visible (see col. 18, lines 54-67).

Regarding claim 52, Gough discloses a method in a computer system for displaying two or more overlapping bitmaps on a computer display, the method comprising redirecting any

overlapping portions of a first of the two or more bitmaps to one or more underlay buffers (see figures 3a-3f); and compositing a second of the two or more bitmaps with the overlapping portions of the first object bitmap (see col. 19, lines 3-30); and displaying the composited second bitmap and any non-overlapping portions of the first bitmap (see col. 19, lines 38-65).

As claims 53-56 are analyzed as previously discussed with respect to claims 36-42 above.

Regarding claims 57-59, Gough discloses displaying a visual indication of the window object, wherein the varying steps includes adjusting the translucency of the window object such that the visual indication of the window object progressively fades in until it is fully non-translucent (see figure 10).

Response to Arguments

Applicant's arguments filed on 11/25/05 have been fully considered but they are not persuasive.

The applicant argues that Gough does not teach at least one field containing data indicative of a parameter designating an object as a layered object. The Examiner respectfully disagrees. As shown in figures 3c-3d, Gough teaches a particular operations upon images are considered to be image operations in regions or domains which are defined to be either translucent or opaque regions. The translucent image involved may be a so-called "overlay" image produced by a computer implemented process; see col. 2, lines 51-65.

The applicant argues that Gough does not teach wherein the first window is a layered window attributed with at least one layering property. The Examiner respectfully disagrees. As shown in figures 3c-3i, Gough teaches the overlaying window having been rendered translucent, the opaque window portion within the overlapping; see col. 4, lines 43-54.

The applicant argues that Gough does not teach receiving a user selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects; and processing the user selection as indicative of a selection of the underlying portion of the second object. The Examiner respectfully disagrees. As shown in figures 9-10, Gough teaches [..another window or image can be activated merely by user selection in positioning the cursor over the window or image and clicking on the mouse, trackball or another applicable interface device; see col. 19, lines 20-30].

The applicant argues that Gough does not teach attributing the window object a variable translucency, compositing the window object with any underlying objects, and varying the translucency of the window object to create an animation of the window object. The Examiner respectfully disagrees. As shown in figures 16-17, Gough discloses the image operations enabled by the concurrent interoperability of the two applications can be implemented by user selected intervention at any of a number of screen operational levels. The base image or window is considered to operate at a lower level, or below the level of the translucent image or window. Thus, the translucent image or window is known as the "overlay" image or window. Typically, the cursor is active at the particular level at which the user can operate. In any case, according to the invention, it may be useful to operate at either the base level, i.e., the level of the base

image or window, or at the translucent or overlay level. In other words, user input is permitted at either the base image or the translucent image. By a particular user input with respect to an image, the user implements a selected computer implemented process and the process receives screen inputs which contact or are otherwise associated with a particular window as the computer implemented process is effective for processing the screen inputs. These various inputs are controllable selectively by the user, in that users can take specific actions to determine which of the levels will be active for them. This can, for example, be accomplished by action of clicking or activating a pen or stylus or by another well known action users are considered capable of actuating (see col. 18, lines 30-67).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

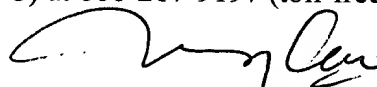
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

02/10/06